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10/729,853	12/05/2003	Relja Ivanovic	5486-0152PUS1	8313

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EXAMINER

TERMANINI, SAMIR

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,853

Applicant(s)

IVANOVIC ET AL.

Examiner

Samir Termanini

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-15, 18-22 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-15, 18-22 and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>N/A</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

BACKGROUND

1. This FINAL Office Action is responsive to the following communications:
Amendment filed on 5/10/2007 .

2. Claims 1-3, 5-15, 18-22, and 25-37 are pending. Claims 1, 12, 19, 25, and 33 are independent in form. Applicant states that Claims 4, 16-17, 23-24 and 33-41 have been canceled, however the status identifiers for claims 33-37 indicate those claims to be pending.

3. Applicant amended Claim 9 in response to the 35 USC 112 2nd Paragraph rejection cited by the Examiner in the previous Office Action (dated 1/27/07) with regard to indefinite language. The Rejection is withdrawn in view of the amendment.

4. Arguments concerning the Examiner's rejections of claims 1-7, 9-20, 22-24, 33-34, and 36-41, made under 35 U.S.C. §102(a) in the previous Office Action (dated 1/26/2007) have been fully considered but they are not persuasive.

5. Arguments concerning the Examiner's rejections of claims 1-7, 9-20, 22-24, 33-34, and 36-41, made under 35 U.S.C. §102(a) in the previous Office Action (dated 1/26/2007) have been fully considered but they are not persuasive.

CLAIM REJECTIONS - 35 U.S.C. §102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. **Claims 1-7, 9-20, 22-24, 33-34, and 36-37** are rejected under 35 U.S.C. §102(a) as being anticipated by *ContainerListView and TreeListView: Writing VS.NET design-surface compatible controls*, Jon Rista (1/14/2003)(hereinafter "*Rista*").

As to independent **claim 1**, *Rista* teaches a method for representing a property on a display, comprising: a drawing handler from amongst a plurality of drawing handlers being assigned to the property ("controls used several private member functions to draw elements such as buttons, focus boxes, etc.", p. 3; also, e.g. "new ContainerSubListViewItem("Test"), p. 3); the drawing handler being called to provide a graphical representation of the property (e.g. progress bar, p. 3); and the drawing handler converting ("supply a TypeConverter", p. 3) a value for the property received from the implementation component ("TypeConverters provide a means of converting your custom classes into the proper source code. Design-time attributes provide the means to enable these design-time editing facilities in your control." p. 3) into a

graphical representation which is provided on the display (e.g. value "pb.Value = 25" is represented as the progress bar for test.ede in the Fig. At the top of p. 1).

As to dependent **claim 2**, *Rista* further teaches that the graphical representation includes a number of elements (the progress bar is broken up into elements, see Fig. on page 1), and the number of elements is proportional to a numerical value of the property (e.g. value "pb.Value = 25").

As to dependent **claim 3**, *Rista* further teaches that the drawing handler component is registered independently of the other system components ("an instance of an object," p. 7; see also without hooking into the Windows Common Controls (as the standard ListView does) or using Windows API calls, p. 3 and top of p. 4).

As to dependent **claim 5**, *Rista* further teaches that a list view component which is responsible for the presentation on the display communicates with the implementation component ("The ContainerListView provides the ability to embed text, an image, or a control into each subitem of a ListView item." p. 3).

As to dependent **claim 6**, *Rista* further teaches that the list view component has different modes, including at least one mode for which the drawing handler component may be required, and at least one mode for which the drawing handler component will not be required (The Extended ListView Test on p. 1, while utilizing the TreeListView does not require the drawing handler component).

As to dependent **claim 7**, *Rista* further teaches that the list view component has a details mode in which the drawing handler component may be required, but in which

the user is able to cancel the column that would otherwise require the drawing handler component (by clicking on the The Extended ListView Test, see Fig. on p. 1).

As to dependent **claim 9**, *Rista* further illustrates on p. 2, within the size column, that each indicator is related to the physical property.

As to dependent **claims 10 and 11**, *Rista* further teaches, inter alia, within the figure at the top of page 2 that a plurality of drawing handlers are assigned to a plurality of different properties. Additionally, the "video file" shown in the last row of the extended ListView test has a property value much higher than the "document" shown in the third row of the extended ListView test where separate property values and drawing handlers, are used.

As to independent **claim 12**, *Rista* teach a method for representing a property on a display (see property "pb.Value=25," bottom part of p. 3) comprising: receiving a call by a drawing handler component from an implementation component ("class will implement", p. 3) to provide a graphical representation of the property value ("You should also call the base methods to make sure the converter can convert to types other than your collection item.", p. 3; also "see "Custom control rendering" p.4) specific to the property and where the drawing handler component is selected from amongst a plurality of drawing handler components ("several private member functions "p. 2) and in response to receiving the call the drawing handler component providing a graphical representation that corresponds to the property value ("...to draw elements such as buttons, focus boxes, etc...." p. 2).

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As to dependent **claims 13 and 14**, *Rista* et al. further teach, that the graphical representation includes a number of elements, in this instance a plurality of bars (p. 1), where the number of bars correspond proportionality to the numeric value of a rating (i.e capacity rating - in size).

As to dependent **claim 15**, *Rista* further teach that the property represents physical characteristic of the item (see physical file "size", figure at top of page 2). He

As to dependent **claim 18**, *Rista* teach wherein a list view component communicates with the implementation component for providing information on the display, component ("The ContainerListView provides the ability to embed text, an image, or a control into each subitem of a ListView item." p. 3).

As to independent **claim 19**, this claim differs from claim 12 in that it is directed to a product defined by the process of claim 12. *Rista* teach computer-program segments capable of executing the requests (see code on p. 3 and p. 7-8). Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 12, above.

As to dependent **claim 20**, *Rista* teach that the graphical representation includes a number of elements, the number of elements (the progress bar is broken up into elements, see Fig.1 on page 1) being proportional to the numerical value of the property (e.g. value "pb.Value = 25"; see also "size," p. 2).

As to dependent **claim 22**, *Rista* further teach that the property represents a physical characteristic of an item (within the size column, each graphical indicator is

related to the physical property of the media being listed within each of the individual rows, p. 2.)

As to dependent **claim 23**, *Rista* further teach that the process segments are capable of executing the request for producing a graphical representation comprise a drawing handler component (e.g. "ContainerListView" p. 3).

As to dependent **claim 24**, *Rista* teach the drawing handler component to be independently registered ("an instance of an object," p. 7; see also "without hooking into the Windows Common Controls (as the standard ListView does) or using Windows API calls," p. 3 and top of p. 4).

As to independent **claim 33**, *Rista* teach representing a property (see property "pb.Value=25," bottom part of p. 3) on a display, comprising: a set of computer-usable instructions that are each independently registered (without hooking into the Windows Common Controls (as the standard ListView does) and each independently representative of a specific property ("several private member functions "p. 2; or using Windows API calls, p. 3 and top of p. 4) and which operate to produce a graphical representation of the specific property on the display (See display in p. 2).

As to dependent **claim 34**, *Rista* teach that the graphical representation includes a number of elements (the progress bar is broken up into elements, see Fig. on p. 2), the number of elements corresponding to the numerical value of the property (e.g. value "pb.Value = 25"; the larger this value, the greater the number of corresponding elements).

As to dependent **claim 36**, *Rista* teach the indicator is related to the physical property of the media being listed within each of the individual rows (e.g. physical "size", see p. 2).

As to dependent **claim 37**, *Rista* teach The media of claim 33, wherein the computer-usable instructions are provided as part of a drawing handler component (e.g. "ContainerListView" p. 3).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 25-32** are rejected under 35 U.S.C. 102(b) as being anticipated by *Neat Stuff to do in List Controls Using Custom Draw*, Michael Dunn; (11/30/1999)(hereinafter "*Dunn*").

As to dependent **claim 25**, *Dunn* teaches a method of representing a property on a display (e.g. individual image, bottom of p. 8), comprising: an implementation component issues a call for providing a graphical representation of a property on the display ("The NM_CUSTOMDRAW message passes" p. 3); and in response to the call, a drawing handler component specific to the property ("NM_CUSTOMDRAW messages

sent for each item.", p. 3)(emphasis added) produces the graphical representation for the property on the display ("NMLVCUSTOMDRAW struct," p. 3).

As to dependent **claim 26**, *Dunn* teaches that the graphical representation includes a number of elements, the number of elements being proportional to the numeric value of the property (index number are proportional to the number of items being drawn, middle of p. 3).

As to dependent **claim 27**, *Dunn* teaches that the drawing handler component is independently registered ("NM_CUSTOMDRAW messages for each item" p. 3; see also "as if there were no custom draw handler," p.2).

As to dependent **claim 28**, *Dunn* teaches 28. The method of claim 25, wherein the drawing handler component may be modified without requiring modifications to other system components ("You can choose to ignore the notifications altogether (in which case you'll see the standard list control), process some part of the drawing yourself (for simple effects), or even draw the control yourself (just as when owner-drawing a control)." p. 1).

As to dependent **claim 29**, *Dunn* teaches that a list view component communicates with the implementation component and organizes the presentation of information on the display ("handle a WM_NOTIFY message sent from your list control," top of p. 2).

As to dependent **claim 30**, *Dunn* teaches that the list view component has different modes, including at least one mode for which the drawing handler component

may be required ("I don't want to do anything now; Windows should paint the control or item itself as if there were no custom draw handler." p. 2), and at least one mode for which the drawing handler component is not required ("I want to receive additional NM_CUSTOMDRAW messages during the draw stages of each subitem in the row currently being drawn." p. 2).

As to dependent **claim 31**, *Dunn* teaches that the list view component has a details mode, in which the user may select or cancel a column which requires the use of the drawing handler component (e.g. "report view mode with multiple columns" p. 1).

As to dependent **claim 32**, *Dunn* teaches that a plurality of drawing handler components ("requesting notifications on a per-item basis" top of p. 3) are utilized for creating graphical representations for a plurality of properties. (e.g. "Flags indicating the state of the item being drawn (selected, grayed, etc.)," p. 3).

CLAIM REJECTIONS - 35 USC §103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 8, 21 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Rista* in view of *Heller et al.*

As to dependent **claim 8**, *Rista* teaches all of the limitations previously addressed in the treatment of claim 1. However, *Rista* fails to teach that the property represents a rating value of an item. *Heller et al.* is cited for teaching that the property represents a rating value of an item ("rating," para. [0048]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have the property value representative of an item rating, as taught in *Heller et al.*, be used in the extended ListView of *Rista*, because *Heller et al.* teach the automatic updating of a list view of the items when it is determined that at least one of them has been altered ("the playlist is redrawn space 536," para. [0057] via a e.g. "message receiver," para. [0049]; see also para. [0013]) and further suggest that the same type of automatic updating of ListView's to avoid the disadvantage of the user having to manually update items in a list.

As to substantially identical dependent **claims 21 and 35**, *Rista* teaches all of the claims' limitations as previously addressed, above. However, *Rista* fails to teach that the property represents a rating value of an item. *Heller et al.* is cited for teaching that the property represents a rating value of an item ("rating," para. [0048]; see also Fig. 11A and 11B).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the property represent a rating value of an item as taught

in *Heller et al.* in the extended ListView of *Rista* because *Heller et al.* suggest a list view (“a list 1104” para. [0086]) where the visual indicator is a “My Rating” field for each of the media items in the list 1104” (para. [0086]), where the property of the graphical representation represents a rating value of an item, specifically: a rating. *Heller et al.* further suggest utilizing the graphical property display (“filter conditions are based on a user rating of the media items (e.g., 1, 2, 3, 4 or 5 star rating” para. [0084]) a desirable advantage in that it better helps the user manage media content (facilitates creation of...playlist[s],” para. [0084]).

RESPONSE TO ARGUMENTS

12. Applicant arguments, see p. 9, filed 5/10/2007, with respect to the Rejections cited by the Examiner in the previous Office Action (dated 1/26/2007), to the Claims 1–7, 9–20, 22–24, 33–34 and 36–41 under 35 USC §102(a) have been fully considered but are not persuasive.

Applicant argues:

In *Rista*, data is rendered using one of a container list view or tree list view to provide information to a user in a more recognizable manor. Information associated with the data represented in the container list view can be illustrated using a graphical illustration. *Rista* does not teach or suggest a relationship between an implementation component and drawing handler component in which the implementation component provides the information to the drawing handler component and the handler component...

In response, the Examiner respectfully disagrees on the grounds that there are express teachings in *Rista* to the contrary:

All type converters must extend the `TypeConverter` class, and all must override `CanConvertTo` and `ConvertTo` methods. You should also call the base methods to make sure the converter can convert to types other than your collection item. The second function does most of the work. It returns an `InstanceDescriptor`, which is a class in .NET that provides all the information required to create an instance of an object.

Applicant argues:

Applicants find no teaching or suggestion within Rista of selection from amongst a plurality of drawing handlers, of a single drawing handler specific to a particular property and graphical illustration thereof. Dunn also teaches contrary to the recited features of the present invention. Dunn teaches a method for visually highlighting particular files. For example in Dunn's system certain columns in the files may be highlighted using different colors or a graphical illustration can be provided next to the file name. The colors and the graphical illustration do not represent a value corresponding to the file but instead are used merely to highlight the file for easy recognition thereof.

Applicant is reminded that during patent examination, the claims must be interpreted as broadly as their terms reasonably allow.¹ In other words, the pending claims must be "given their broadest reasonable interpretation consistent with the specification."² Additionally, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.³

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., property types) are not recited in the rejected claim(s).

¹ In re American Academy of Science Tech Center, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004).

² Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)

³ In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

CONCLUSION

13. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



STEPHEN HONG
SUPERVISORY PATENT EXAMINER

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